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DIGITAL NETWORKS
6 NORTH AMERICA, INC.

E-filed 11/22/05

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

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1 Defendant Digital Networks North America, Inc. (“DNNA”) and Plaintiff Eastech
2 Electronics (Taiwan), Inc. (“Eastech”) respectfully request that this Court grant the Order,
3 attached hereto, continuing the date of the Case Management Conference currently
4 scheduled for December 9, 2005. Eastech and DNNA are concurrently requesting that the
5 Honorable Howard Lloyd reschedule the Settlement Conference to sometime in late
6 January 2006 and Eastech and DNNA are hereby requesting that the Case Management
7 Conference be continued until after the Settlement Conference, at a date and time
8 convenient for the Court. Pursuant to Local Rule No. 6-2(a), the factors necessitating this
9 request are contained in the accompanying Declaration of Theodore K. Bell.

10 Dated: November 21, 2005

PILLSBURY WINTHROP SHAW PITTMAN LLP

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By: _____/s/
Theodore K. Bell
Attorneys for Defendant
Digital Networks North America, Inc.

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Dated: November 21, 2005

LATHAM & WATKINS LLP

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By: _____/s/
Keith J. Wesley
Attorneys for Plaintiff
Eastech Electronics (Taiwan), Inc.

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**I hereby attest that I have on file all holograph signatures for any signatures indicated
by a "conformed" signature (/S) within this efiled document.**

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/s/
Theodore K. Bell

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DECLARATION OF THEODORE K. BELL

THEODORE K. BELL declares as follows:

3 1. I am an attorney in good standing with the State Bar of California and an
4 associate with the law firm of Pillsbury Winthrop Shaw Pittman LLP, counsel of record for
5 Defendant Digital Networks North America, Inc. (“DNNA”) in the above-captioned case. I
6 have personal, first-hand knowledge of the facts set forth below, and if called upon to do so,
7 could and would testify competently thereto under oath.

8 2. Plaintiff Eastech Electronics (Taiwan), Inc. ("Eastech") filed its Complaint
9 against DNNA in this action on October 27, 2004. The Court conducted an Initial Case
10 Management Conference on April 1, 2005 and this case was referred to Honorable Judge
11 Howard R. Lloyd for a Settlement Conference.

12 3. A further Case Management Conference was scheduled to be held on Friday,
13 August 5, 2005. On June 24, 2005, DNNA and Eastech filed a joint stipulation to continue
14 the Case Management Conference until October 5, 2004 to enable the parties to complete
15 written discovery. (Docket No. 15.) The Court approved the parties' stipulation and
16 ordered the Case Management Conference reset for October 7, 2005. (Docket No. 16.) On
17 September 30, 2005, DNNA and Eastech filed a second joint stipulation to continue the
18 October 7, 2005 Case Management Conference until December 7, 2005 to allow the parties
19 to conduct initial, depositions and participate in a Settlement Conference. The Court
20 approved the parties' stipulation on October 4, 2005 and reset the Case Management
21 Conference set for December 9, 2005. (Docket No. 17.) As described below, the parties
22 are asking for a further continuance of the Case Management Conference because of
23 difficulties in scheduling the depositions that the parties would like to complete prior to the
24 Settlement Conference. The parties are concurrently asking Judge Howard R. Lloyd to
25 reset the Settlement Conference for late January 2006.

26 4. Since the filing of the lawsuit, the parties have diligently conducted
27 discovery. The parties have now substantially completed written discovery and are
28 prepared to take depositions. Counsel for both parties believe the Settlement Conference

1 would be more meaningful if each side has had the opportunity to take one key deposition
2 prior to the Conference. The parties have been attempting to schedule these depositions for
3 some weeks. The scheduling has been challenging because Eastech's key witness resides in
4 Asia, and DNNA's key witness is a former employee who travels extensively on business.
5 The DNNA deposition has been noticed for November 23, 2005 and the Eastech deposition
6 has been noticed for January 9, 2006.

7 I declare under penalty of perjury under the laws of the State of California that the
8 foregoing is true and correct. Executed at Palo Alto, California, on November 21, 2005.

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/s/

Theodore K. Bell

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[PROPOSED] ORDER

Pursuant to stipulation, IT IS SO ORDERED that the Case Management Conference in this matter is rescheduled to February 3, 2006.

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5 Dated: November 22, 2005

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7 /s/electronic signature authorized
Honorable Judge Jeremy Fogel

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